

## **REMARKS**

Upon entry of this amendment, claims 13-20, 28-30 and 32 are all of the claims pending in the application. By this amendment, claims 13 and 32 have been rewritten in independent form so as to include all of the limitations of base claims 12 and 31, respectively, and claims 13, 21-27 and 31 have been canceled.

### **I. Claim Rejections under 35 U.S.C. 103(a)**

Claims 12-32 were rejected under 35 U.S.C. 103(a) as being unpatentable over Rosenthal (US 5,528,673) in view of Chou et al. (U S 6,686,839). Applicants respectfully traverse this rejection on the following basis.

Regarding claim 13, Applicants note that this claim recites that the determination section is also for deriving from the location-related information a distance between said one of said at least two apparatuses and said another of said at least two apparatuses. In the Office Action, the Examiner has recognized that Rosenthal does not disclose or suggest such a feature (see Office Action at page 5). The Examiner, however, has applied Chou and has taken the position that Chou cures this deficiency of Rosenthal. Applicants respectfully disagree.

With respect to Chou, Applicants note that this reference discloses a sound monitoring system that is able to identify a person that is responsible for a noise level that is beyond a predetermined threshold, and to notify the person if the noise level exceeds such a threshold (see col. 1, lines 44-49). In this regard, as explained in Chou, a microphone 110 is utilized to detect sound (noise), wherein the person responsible for the noise can be detected based on the known location of the microphone 110 (see col. 2, lines 8-15). For example, as disclosed in Chou, the identification of the person making the noise can be detected since the microphone can be placed

on the person's desk (see col. 2, lines 15-17).

After identifying a person that is exceeding the noise threshold, the person is notified by means such as a "personalized" light or via an e-mail that is sent to the person's computer, PDA or cellular phone (see col. 2, lines 35-40 and 60-67).

Based on the foregoing description, Applicants note that in Chou, based on the known location of the microphone 110, it is possible to determine the person that is responsible for an excess amount of noise, and to notify the person that the acceptable noise limit has been exceeded.

Thus, while Chou discloses the ability to determine a person that is responsible for an excess amount of noise based on the location of the microphone, and to notify such person, Applicants respectfully submit that Chou does not disclose or in any way suggest the ability to derive a distance between two apparatuses.

In other words, while Chou discloses the ability to determine the person that is responsible for making noise based on the location of a microphone, Applicants submit that such an ability does not correspond to the claimed feature of deriving a distance between said one of said at least two apparatuses and said another of said at least two apparatuses. With respect to the claimed "apparatuses", Applicants point out to the Examiner that claim 13 indicates that the "at least two apparatuses" provide output of the same type. In this regard, Applicants respectfully submit that a person and a microphone clearly do not provide output of the same type.

In view of the foregoing, Applicants respectfully submit that Chou does not disclose or suggest the above-noted feature recited in claim 13 of a determination section for deriving from

the location-related information a distance between said one of said at least two apparatuses and said another of said at least two apparatuses.

In addition, Applicants note that claim 13 also recites that the determination section is for determining not to change the output state of said another of said at least two apparatuses if the distance, as derived from the location-related information, is equal to or greater than a predetermined distance.

In this regard, as described above, Chou discloses the ability to identify a person that is responsible for an excess amount of noise based on the location of the microphone 110, and to notify such a person if a noise threshold has been exceeded. Based on the Examiner's comments in the Office Action, it appears as though the Examiner is taking the position that, in Chou, a person will not be notified of an excess amount of noise when the distance between the person and the microphone results in the noise being below the predetermined threshold, and that such disclosure corresponds to the above-noted feature recited in claim 13. Applicants respectfully disagree.

In particular, Applicants note that the mere absence of a notification to a person of an excess noise level due to the distance between the person and the microphone 110 does not correspond to the claimed feature of determining not to change the output state of said another of said at least two apparatuses.

In this regard, Applicants note that because Chou does not disclose the ability to change the output state of an apparatus, but instead, merely discloses the ability to send a notification to a person that a threshold noise level has been exceeded, that Chou clearly does not have the ability to determine not to change the output state of an apparatus based on the derived distance

between two apparatuses. In contrast to such an ability, as discussed above, Chou merely has the ability to detect a noise level at the microphone, and to not send a notification to a person if a predetermined noise level threshold has not been exceeded.

In view of the foregoing, Applicants respectfully submit that Chou does not disclose or suggest the above-noted feature recited in claim 13 of a determination section for determining not to change the output state of said another of said at least two apparatuses if the distance, as derived from the location-related information, is equal to or greater than a predetermined distance.

Further, Applicants note that claim 13 also recites that each of the at least two apparatuses includes a communication section for transmitting to said control server a notification signal indicative of a pending change or a change in an output state of said each of said at least two apparatuses. In the Amendment filed on October, 4, 2007, Applicants argued that Rosenthal does not disclose or suggest such a feature (see page 12 of the Amendment dated October 4, 2007).

In response to this argument, the Examiner has indicated in the present Office Action that Rosenthal discloses such a feature, and in support thereof, the Examiner has indicated that Rosenthal “can control the T.V., dishwasher, CD players etc based on the interruption of a phone ring”, and that to “have the capability of muting the T.V. or CD player, the invention of Rosenthal has a capability of communicating with the T.V/CD players etc” (see Office Action at page 2). In response to these comments by the Examiner, Applicants note that the Examiner has clearly misinterpreted the claimed language.

In particular, Applicants note that claim 13 does not merely recite that the control server

is able to communicate with the at least two apparatuses, as is suggested by the Examiner in the Office Action. Instead, as noted above, claim 13 recites that the each of the at least two apparatuses include a communication section for transmitting to said control server a notification signal indicative of a pending change or a change in an output state of said each of said at least two apparatuses.

In the Office Action, Applicants note that the Examiner has apparently taken the position that any two of the telephone, TV, and CD player of Rosenthal correspond to the claimed “at least two apparatuses”. Regarding such a position, however, Applicants note that while the TV and CD player of Chou can have the AC power thereto cut off and can have their sound muted (see Chou at col. 1, lines 6-15) in response to an incoming telephone call, that the TV and CD player of Chou do not transmit to a control server a notification signal indicative of a pending change or a change in an output state of the TV and CD player.

In addition, in the Office Action, Applicants note that the Examiner has also pointed to the I/O ports shown in Fig. 4 of Chou as somehow corresponding to the above-noted feature. Regarding the I/O ports shown in Fig. 4 of Chou, Applicants note that these I/O ports are part of the microcontroller shown in Fig. 2 of Chou (see col. 2, lines 42-43), wherein the microcontroller of Fig. 2 is part of an infrared learning/output circuit (see col. 2, lines 35-37). Thus, while the I/O ports shown in Fig. 4 of Chou perform input/output operations for the microcontroller of the infrared learning/output circuit, Applicants note that such I/O ports do not in any way whatsoever receive notification signals from the TV and/or CD player indicative of a pending change or a change in an output state of the TV and/or CD player.

In view of the foregoing, Applicants respectfully submit that Rosenthal does not disclose

or suggest the above-noted feature recited in claim 13 which indicates that each of the at least two apparatuses includes a communication section for transmitting to said control server a notification signal indicative of a pending change or a change in an output state of said each of said at least two apparatuses. Further, Applicants submit that Chou fails to cure this deficiency of Rosenthal.

Based on the foregoing, Applicants respectfully submit that Rosenthal and Chou do not disclose, suggest or otherwise render obvious at least the above-noted features recited in claim 13. Accordingly, Applicants submit that claim 13 is patentable over the cited prior art, an indication of which is kindly requested. Claims 14-20 depend from claim 13 and are therefore considered patentable at least by virtue of their dependency.

Regarding claim 28, Applicants note that this claim recites that the determination section is also for deriving from the location-related information a distance between said one of said at least two apparatuses and said another of said at least two apparatuses, and determining not to change the output state of said another of said at least two apparatuses if the distance, as derived from the location-related information, is equal to or greater than a predetermined distance.

For at least similar reasons as discussed above with respect to claim 13, Applicants respectfully submit that the combination of Rosenthal and Chou does not teach, suggest or otherwise render obvious at least the above-noted feature recited in claim 28. Accordingly, Applicants submit that claim 28 is patentable over the cited prior art, an indication of which is kindly requested.

Regarding claim 29, Applicants note that this claim recites the feature of deriving from said location-related information a distance between said one of said at least two apparatuses and

said another of said at least two apparatuses, and determining not to change the output state of said another of said at least two apparatuses if the distance, as derived from said location-related information, is equal to or greater than a predetermined distance.

For at least similar reasons as discussed above with respect to claim 13, Applicants respectfully submit that the combination of Rosenthal and Chou does not teach, suggest or otherwise render obvious at least the above-noted feature recited in claim 29. Accordingly, Applicants submit that claim 29 is patentable over the cited prior art, an indication of which is kindly requested.

Regarding claim 30, Applicants note that this claim recites the features of a derivation step for deriving from the location-related information a distance between the one of the at least two apparatuses and the another of the at least two apparatuses; and a determination step for determining not to change the output state of the another of the at least two apparatuses if the distance, as derived, is equal to or greater than a predetermined distance.

For at least similar reasons as discussed above with respect to claim 13, Applicants respectfully submit that the combination of Rosenthal and Chou does not teach, suggest or otherwise render obvious at least the above-noted features recited in claim 30. Accordingly, Applicants submit that claim 30 is patentable over the cited prior art, an indication of which is kindly requested.

Regarding claim 32, Applicants note that this claim recites that each of the apparatus and the at least one other apparatuses includes a communication section for transmitting to the control server a notification signal indicative of a pending change or a change in an output state; and that the determination section is for deriving from the location-related information a distance

between said one apparatus and said another apparatus, and for determining not to change the output state of said another apparatus if the distance, as derived from the location-related information, is equal to or greater than a predetermined distance.

For at least similar reasons as discussed above with respect to claim 13, Applicants respectfully submit that the combination of Rosenthal and Chou does not teach, suggest or otherwise render obvious at least the above-noted feature recited in claim 32. Accordingly, Applicants submit that claim 32 is patentable over the cited prior art, an indication of which is kindly requested.

## **II. Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may best be resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

Kei YASUDA et al.

By: /Kenneth W. Fields/

Digitally signed by /Kenneth W. Fields/  
DN: cn=/Kenneth W. Fields/, o, ou,  
email=kfields@wenderoth.com, c=US  
Date: 2008.04.02 17:26:48 -04'00'

Kenneth W. Fields  
Registration No. 52,430  
Attorney for Applicants

KWF/ats  
Washington, D.C. 20006-1021  
Telephone (202) 721-8200  
Facsimile (202) 721-8250  
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